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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,591	03/25/2004	Yoshihisa Kubo	26B-031	4596

23400 7590 01/27/2006

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,591

Applicant(s)

YOSHIHISA ET AL.

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005 and 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-3,5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 1-3, 5, and 7-9 are pending in the application, claims 4 and 6 have been cancelled.
2. Amendments to the claims, filed on October 20, 2005 and November 7, 2005, have been entered in the above-identified application.

REJECTIONS

3. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 102

4. Claims 1-3, 5, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima et al. (U.S. Patent No. 6,395,355).

Regarding Applicant's claim 1, Nakajima discloses a weather strip (*title*) having an extrusion portion (*extruded product, col. 7, line 43*), and a molded portion (*molded part, col. 8, line 54*) connected to the extrusion portion (*figures 2-6*), the weather strip comprising a mounting base portion (*back part of sealing portion, figure 7*) which is deemed to be capable of attaching to an opening portion or a door circumferential edge of a vehicle; a seal portion (*col. 8, line 55*) that is integrally formed with the mounting base portion and has a hollow portion (*figures 2-6*); a slit formed in the mounting base portion, wherein the slit is deemed to be capable of dividing the mounting base portion into a first engaged portion and a second engaged portion and opposite each other (*figure 11*), at least one blocking member (*molded part, col. 8, line 54*), which has an

Art Unit: 1772

insertion portion to be fitted into the slit, and an engaging projection (*flange projection, col. 8, lines 61-62*) respectively engaged with the mounting base portion opposed to each other across the slit, for blocking a predetermined zone of the slit by simultaneously clamping and locking the mounting base portion at least in a direction of width thereof (*figures 2-6*).

The limitation “which a core mold is removed in a molding process of the weather” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a ***structural difference*** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02.

Regarding Applicant’s claim 2, Nakajima discloses that the engaging projection is formed in such a way as to project in parallel with the fitting portion and a fitting groove, into which an associated engaging projection is fitted, is formed in the mounting base portion (*figures 2-6*).

Regarding Applicant’s claim 3, Nakajima discloses that the blocking member has a pair of sandwich-holding portions (*ribs, col. 8, line 64*), each of which is integrally formed with an associated one of both end parts of the fitting portions and the engaging projection is integrally formed with at least one pair of sandwich-holding portions (*figures 2-6*).

Regarding Applicant’s claim 5, Nakajima discloses that the blocking member has a base portion, which constitutes a part of the mounting base portion at a mounting face side of the mounting base portion, and also has a lock portion locked on an inner surface of the mounting base portion facing the hollow portion and the engaging projection is integrally formed with the base portion (*figures 3 and 6*).

Regarding Applicant's claim 7, Nakajima discloses a tapered surface is formed on the lock portion at an end side of the blocking member (*figures 2-6*).

Regarding Applicant's claim 8, Nakajima discloses a fitting portion is formed so that thickness of the fitting portion is wider than width of the slit, a concave portion, whose depth depends on the thickness of the fitting portion, is formed in each of opposed opening face portion of the slit at a place at which the fitting portion is fitted into the slit (*figures 2-6*).

Regarding Applicant's claim 9, Nakajima discloses that the engaging projections are integrally formed with each other like a ring in such a way as to straddle over both the mounting base portion facing each other across the slit (*figures 2-6*).

ANSWERS TO APPLICANT'S ARGUMENTS

5. Applicant's arguments in the response filed October 20, 2005 regarding the 35 U.S.C. 102(b) over Nakajima et al. (U.S. Patent No. 6,395,355) of record have been carefully considered but are deemed unpersuasive.

Applicant argues that the reference does not teach the new limitations. The examiner disagrees as shown above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 1772

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac
1/23/06


ALICIA CHEVALIER
PRIMARY EXAMINER